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8
9 **BEFORE THE ARIZONA STATE BOARD OF PHARMACY**

10 In the Matter of

11 **RODNEY SOWERS,**

12 Holder of License No. S010804
As a Pharmacist
13 In the State of Arizona

Board Case No. 08-0048-PHR

**CONSENT AGREEMENT
FOR CIVIL PENALTY AND
CONTINUING EDUCATION**

14
15 **RECITALS**

16 In the interest of a prompt and judicious settlement of this case, consistent with the
17 public interest, statutory requirements and the responsibilities of the Arizona State Board
18 of Pharmacy ("Board") under A.R.S. § 32-1901, *et. seq.*, Rodney Sowers
19 ("Respondent"), holder of Pharmacist License Number S010804 in the State of Arizona,
20 and the Board enter into the following Recitals, Findings of Fact, Conclusions of Law
21 and Order ("Consent Agreement") as a final disposition of this matter.

22 1. Respondent has read and understands this Consent Agreement and has had
23 the opportunity to discuss this Consent Agreement with an attorney, or has waived the
24 opportunity to discuss this Consent Agreement with an attorney.
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1 2. Respondent understands that he has a right to a public administrative
2 hearing concerning the above-captioned matter, at which hearing he could present
3 evidence and cross examine witnesses. By entering into this Consent Agreement,
4 Respondent knowingly and voluntarily relinquishes all right to such an administrative
5 hearing, as well as rights of rehearing, review, reconsideration, appeal, judicial review or
6 any other administrative and/or judicial action, concerning the matters set forth herein.

7 3. Respondent affirmatively agrees that this Consent Agreement shall be
8 irrevocable.

9 4. Respondent understands that this Consent Agreement or any part of the
10 agreement may be considered in any future disciplinary action by the Board against him.

11 5. Respondent understands this Consent Agreement deals with Board
12 Complaint No. 3523 involving allegations of unprofessional conduct against Respondent.
13 The investigation into these allegations against Respondent shall be concluded upon the
14 Board's adoption of this Consent Agreement.

15 6. Respondent understands that this Consent Agreement does not constitute a
16 dismissal or resolution of any other matters currently pending before the Board, if any,
17 and does not constitute any waiver, express or implied, of the Board's statutory authority
18 or jurisdiction regarding any other pending or future investigation, action or proceeding.

19 7. Respondent also understands that acceptance of this Consent Agreement
20 does not preclude any other agency, subdivision, or officer of this State from instituting
21 any other civil or criminal proceedings with respect to the conduct that is the subject of
22 this Consent Agreement.

23 8. Respondent acknowledges and agrees that, upon signing this Consent
24 Agreement and returning this document to the Board's Executive Director, he may not
25 revoke his acceptance of the Consent Agreement or make any modifications to the
26

document regardless of whether the Consent Agreement has been signed by the Executive Director. Any modification to this original document is ineffective and void unless mutually agreed by the parties in writing.

9. Respondent understands that the Consent Agreement shall not become effective unless and until adopted by the Board and signed by its Executive Director.

10. If a court of competent jurisdiction rules that any part of this Consent Agreement is void or otherwise unenforceable, the remainder of the Consent Agreement shall remain in full force and effect.

11. Respondent understands and agrees that if the Board does not adopt this Consent Agreement, he will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defenses.

12. Respondent understands that this Consent Agreement is a public record that may be publicly disseminated as a formal action of the Board and may be reported as required by law to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

13. Respondent understands that any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. §§ 32-1901.01(B)(20), -1927(A)(1).

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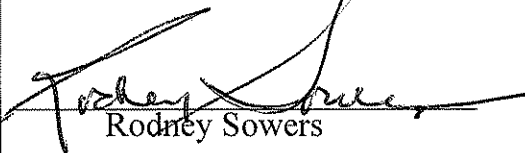
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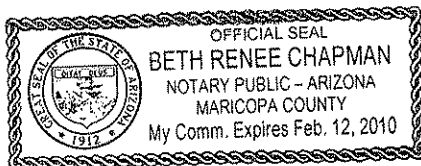
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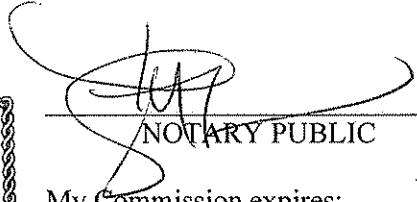
1 ACCEPTED AND AGREED BY RESPONDENT

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3 
Rodney Sowers

Dated: 23 June 2008

4 Subscribed and sworn to before me in the County of Maricopa State of Arizona
5 this 23 day of June, 2008, by Rodney Sowers.




NOTARY PUBLIC

My Commission expires: 2/12/2010

10 **FINDINGS OF FACT**

11 1. The Board is the duly constituted authority for licensing and regulating the
12 practice of pharmacy in the State of Arizona.

13 2. Respondent is the holder of license number S010804 to practice as a
14 pharmacist in the State of Arizona.

15 3. During all relevant times to these findings, Respondent worked as a
16 pharmacist at Target Pharmacy #1240 (the "Pharmacy") in Chandler, Arizona.

17 4. On December 7, 2007, the complainant had a prescription for Zoloft 50 mg
18 filled for her son at the Pharmacy. The prescription was entered correctly, but
19 Respondent dispensed Zoloft 100 mg instead of Zoloft 50 mg.
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21 5. Complainant noticed the error when she refilled the prescription on January
22 28, 2008, and the tablets were different.
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(ACPE) courses. The courses shall be pre-approved by Board staff, shall be limited to topics dealing with prescription error prevention, and shall be in addition to the requirements of A.R.S. § 32-1936 and A.A.C. R4-23-204.

DATED this 9th day of July, 2008.

ARIZONA STATE BOARD OF PHARMACY

(Seal)

By: Hal Wand
HAL WAND, R.Ph.
Executive Director

ORIGINAL OF THE FORGOING FILED
this 9th day of July, 2008, with:

Arizona State Board of Pharmacy
1700 West Washington, Suite 250
Phoenix, Arizona 85007

EXECUTED COPY OF THE FOREGOING MAILED
BY CERTIFIED MAIL
this 9th day of July, 2008, to:

Rodney Sowers
1151 W. Island Drive
Chandler, Arizona 85248
Respondent

EXECUTED COPY OF THE FOREGOING MAILED
this 9th day of July, 2008, to:

Elizabeth A. Campbell
Assistant Attorney General
1275 W. Washington Street, CIV/LES
Phoenix, Arizona 85007
Attorneys for the State of Arizona

Tiffany R. Kelly
#219466